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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional): 05032-00053

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on December 7, 2007

Signature: Laurie Hall

Typed or printed name: Laurie Hall

Application Number	Filed
10/815,942	April 2, 2004
First Named Inventor	
Antoon J.G. van Rossum	
Art Unit	**Examiner**
1746	Mikhail Kornakov

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- [ ] applicant/inventor.
- [ ] assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- [X] attorney or agent of record. Registration number 34,628
- [ ] attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____

Signature

John P. Iwanicki
Typed or printed name

(617) 720-9600
Telephone number

December 7, 2007
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

[X] *Total of 1 forms are submitted.

PATENT
ATTORNEY DOCKET NO. 05032-00053

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Antoon J.G. van Rossum and	)	Examiner:
Antonius F.M. Bertels	)	Mikhail Kornakov
	)	
Serial No.: 10/815,942	)	Art Unit: 1746
	)	
Filed: April 2, 2004	)	Conf. No.: 8940
	)	
Title: REMOVABLE PROTECTIVE COATING	)	

Commissioner for Patents
Mail Stop AF
P.O. Box 1450
Alexandria, VA 22313-1450

REASONS IN SUPPORT OF REQUEST FOR PRE-APPEAL BRIEF REVIEW

Dear Sir:

Applicants respectfully request pre-appeal brief review for the following reasons.

I. Claims 29-40 Are Nonobvious Over Yoshida et al. in View of JP 51127181 Alone or in Combination with Wieczorrek

29-37 and 39-41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshida et al., U.S. Patent No. 5,574,117 in view of JP 51127181. Claim 38 stands rejected over Yoshida et al. and JP '181 further in view of Wieczorrek, U.S. Patent No. 4,409,266. The Examiner believes that Yoshida's vague reference to agricultural purposes teaches greenhouse applications. No such teaching can be derived.

The amended claims are directed in part to a greenhouse having a ***removable*** protective ***coating*** that is ***adhered to*** a substantially transparent surface. Applicants' claimed protective coating has an adhesive strength that overcomes the disadvantages of insufficient adhesion or adhesion that is too strong (paragraph [0011]). When the adhesive strength of a greenhouse coating is too low, the coating will not be resistant to weather influences and it will be necessary to restore or replace the coating several times per season (paragraph [0003]). When the adhesive strength of a greenhouse coating is too strong, it requires much effort to remove the coating at the end of the season. *Id.* In contrast to the art at the time of filing, Applicants' claimed protective coating can easily be removed from the greenhouse when its presence is no longer required.

Applicants respectfully submit that greenhouses known in the art at the time of filing were either constructed from polymeric films or from materials such as glass and steel. In the art, when a greenhouse was constructed from a polymeric film, that film needed to be ***transparent*** for the crops in the greenhouse to receive sufficient light. In contrast to greenhouses known in the art at the time of filing, the coating of the claimed invention can reduce or even block UV radiation during periods wherein the sunlight is too harsh.

The Office Action fails to identify ***any*** reference that teaches the claimed coating on a greenhouse, and a combination of the cited references fails to provide such a teaching. Based on the teachings of Yoshida et al. in view of JP '181, one of skill in the art would not arrive at the claimed greenhouse having a substantially transparent surface and a ***removable protective coating adhered*** to the substantially transparent surface. Nowhere does Yoshida et al. teach or suggest using their formulations with ***any*** greenhouse, let alone Applicants' claimed greenhouse having a ***removable protective coating adhered*** to the substantially transparent surface. Indeed,

the Office Action ***admits***, at page 3, that Yoshida et al. ***does not teach their coating as a greenhouse***. Instead, Yoshida et al. teaches an alkali-soluble ***film*** for agricultural uses such as for ***packaging*** of food for animals (column 8, lines 17-27). Yoshida et al. teaches that the films taught therein are "useful as a packaging film, a base material of labels, and in addition, as a separating film...." *Id.* Nowhere does Yoshida et al. teach or suggest a removable protective coating that is ***adhered to*** the substantially transparent surface of a greenhouse. Yoshida et al. fails to recognize that any greenhouse could be made using their materials, let alone appreciate that a greenhouse having a substantially transparent surface and a ***removable protective coating adhered*** to the substantially transparent surface could be made or would provide the advantages of Applicants' claimed greenhouse.

Further, the ***films*** of Yoshida et al. are ***not equivalent*** to Applicants' claimed ***adhesive coating***, and one of ordinary skill in the art would not arrive at Applicants' claimed protective coating adhered to a substantially transparent surface of a greenhouse based on the mere teachings of a ***film*** by Yoshida et al. At the very most, one of skill in the art may be motivated to fashion packaging items, labels or separating items from Yoshida's films. It is not apparent in the teachings of Yoshida et al. that it would even be possible to somehow transmute their films into the claimed adhesive coating. In any case, Yoshida et al. provides absolutely no motivation to do so. For at least these reasons, based on the teachings of Yoshida et al., one of ordinary skill in the art would ***not*** arrive at an ***adhesive coating*** for use on a greenhouse.

JP '181 fails to cure the deficiencies of Yoshida et al. JP '181 teaches a light transmitting film layer that can be used for agricultural greenhouses. JP '181 does ***not*** teach or suggest a greenhouse having a ***removable*** protective coating adhered to a substantially transparent surface. In contrast, JP '181 teaches that ***the film itself*** is the transparent surface. In fact, the title of JP

'181 refers to "greenhouse construction." ***Constructing*** a greenhouse from a light transmitting film layer in which this layer ***is*** the greenhouse is very different from ***providing a coating*** to a greenhouse. Given that the film taught by JP '181 is used to form the actual greenhouse, if one were to remove the polymeric film, one would remove the entire greenhouse. Thus, JP '181 provides no motivation to add a coating to a greenhouse. Accordingly, the combination of Yoshida et al. and JP '181 fails to render the claimed invention obvious.

The Office Action states that JP 05170941 and U.S. Patent No. 5,519,964 also teach the use of substantially similar polymer films in greenhouses, thus showing that at the time the invention was made the use of polymer films of Applicants was conventionally used in greenhouses. Applicants respectfully disagree. Neither JP '941 nor the '964 patent teach or suggest Applicants' claimed greenhouse having a removable protective coating adhered to a substantially transparent surface.

JP '941 teaches a film for use in greenhouses (abstract). This reference neither teaches nor suggests a removable protective coating adhered to a substantially transparent surface of a greenhouse. Like JP '181, JP '941 instead teaches that ***the film itself is the transparent surface.*** Accordingly, if one were to remove the polymeric film, one would remove the entire greenhouse.

The '964 patent teaches a double-layered composite plastic film for use with a greenhouse (column 1, lines 10-19). The '964 patent teaches that ***both layers*** are to be ***used together*** (column 5, lines 31-34), and that the composite plastic film is attached to an overlay polyester resin film by hot lamination (column 10, lines 43-55). Thus, the '964 patent ***teaches away*** from removing one of the two layers such that a single layer remains for use in a greenhouse. Nowhere does the '964 patent provide any motivation to make a greenhouse having a ***removable*** protective ***coating*** adhered to a substantially transparent surface. Accordingly,

Yoshida et al., JP '181, JP '941 and the '964 patent, alone or in combination, fail to render the claimed invention obvious.

With respect to claim 38, Yoshida et al. and JP '181 fail to render the claimed invention obvious. Wieczorrek et al. fails to cure the deficiencies of the primary references. Wieczorrek et al. is directed to a process for the shatterproof coating of glass surfaces, particularly glass bottles, by applying a physically drying priming lacquer containing a silane adhesion promoter (column 1, lines 7-9; column 2, lines 16-20). Nowhere does Wieczorrek et al. teach or suggest a greenhouse having a removable protective coating adhered to a substantially transparent surface.

Respectfully submitted,

Dated: December 7, 2007

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